

## Message Text

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FM AMEMBASSY QUITO

TO /SECSTATE WASHDC 3397

INFO AMCONSUL GUAYAQUIL

C O N F I D E N T I A L QUITO 7894

E.O. 11652: GDS

TAGS: PINT, EC

SUBJECT: APPEALS COURT RELEASES CONVICTED TERRORISTS

REF: QUITO 7824

1. THE COURT OF MILITARY JUSTICE, SERVING AS APPEALS COURT FOR DECISIONS OF THE FORMER SPECIAL TRIBUNALS, HAS NULLIFIED THE LATTER'S CONVICTION OF 21 ECUADOREAN REVOLUTIONARIES ACCUSED OF TERRORIST ACTIVITIES DURING THE VELASCO REGIME. THE GROUP, MOST OF WHOM HAVE BEEN UNDER PREVENTIVE DETENTION FOR SEVERAL YEARS, WAS THE SUBJECT OF RECENT STUDENT DEMONSTRATIONS (REFTEL) AND SOME HALF-DOZEN HAD BEEN ENGAGED IN A TEN-DAY HUNGER STRIKE. THE COURT RULED THAT THE FORMER QUITO SPECIAL TRIBUNAL HAD OVERSTEPPED ITS COMPETENCE IN TRYING THE CASES AND DECLARED THE ENTIRE PROCEEDINGS NULL AND VOID.

2. THIS HAS THE EFFECT OF FREEING THE MAJORITY OF THE DEFENDANTS, AMONG THEM JAIME GALARZA, A CONTROVERSIAL CRITIC OF PAST GOE OIL POLICY AND FERNANDO MALDONADO, SECRETARY GENERAL OF THE FORMER REVOLUTIONARY SOCIALIST PARTY. SEVERAL OTHERS WERE PREVIOUSLY UNDER INDICTMENT BY CRIMINAL COURTS AND THEY WILL CONTINUE UNDER DETENTION.

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THEIR CASES WILL REVERT TO THE JURISDICTION OF THE LOCAL COURTS, A FATE WHICH -- AT LEAST THEORETICALLY --

COULD BEFALL THE FREED DEFENDANTS IF THEIR CASES ARE  
TAKEN UP BY THE CIVILIAN LEGAL SYSTEM.

3. CASES OF POLITICAL TERRORISM LEFT OVER FROM THE  
VELASCO ERA APPEARED TO BE ONE OF THE MOST PRESSING  
UNSETTLED SCORES CONFRONTING THE PRESENT GOE WHEN IT  
TOOK OVER IN 1972. ITS IMPORTANCE WAS UNDERSCORED BY  
THE MILITARY'S DECISION TO TAKE THE VARIOUS CASES OF  
ARMED ROBBERY AND MURDER OF WHICH GALARZA, ET. AL, WERE  
ACCUSED OUT OF THE HANDS OF "UNRELIABLE" CIVILIAN COURTS  
AND INSURE THEIR "APPROPRIATE" HANDLING BY THE MILITARY-  
CONTROLLED SPECIAL TRIBUNALS. THUS, THE PRESENT DECISION --  
WHICH SEEMS TO HAVE BEEN DICTATED BY PRESIDENT RODRIGUEZ --  
REPRESENTS AN IMPORTANT TURNABOUT.

4. THE SHORT-LIVED STUDENT UPSET WHICH PRECIPITATED  
THE MOVE NEVER SEEMED MORE THAN A MINOR NUISANCE TO  
THE GOE AND DOES NOT APPEAR, IN ITSELF, TO HAVE BEEN  
THE DETERMINING FACTOR. PRESIDENT RODRIGUEZ, OF COURSE,  
IS BELIEVED TO HAVE EXERCISED A LEADING ROLE IN THE  
DECISION TO ABOLISH THE SPECIAL TRIBUNALS SOME WEEKS AGO  
(QUITO 5848). THE PRESENT DECISION MAY REPRESENT THE  
FURTHER TIDYING-UP OF A PROCEDURE, THE SPECIAL TRIBUNAL,  
WHICH WAS APPARENTLY TOO CLUMSY AND ARBITRARY FOR THE  
MORE-SUBTLE RODRIGUEZ TO ENDURE INDEFINITELY. THE  
PRESIDENT CLEARLY HAS AN EYE ON HIS PLACE IN HISTORY  
AND WOULD NOT WANT TO COME DOWN ON THE WRONG SIDE OF  
A CASE LIKE THE PRESENT, IN WHICH AMNESTY INTERNATIONAL  
HAD REPORTEDLY DECLARED AN INTEREST.  
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## Message Attributes

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